

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

<b>DANIEL MULLER,</b>	:	
Petitioner	:	
	:	
	:	
<b>v.</b>	:	<b>File No. 1:06-CV-118</b>
	:	
	:	
<b>ROBERT HOFMANN,</b>	:	
Respondent	:	

**ORDER**

The Magistrate Judge's Report and Recommendation was filed October 26, 2006. (Paper 12.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The respondent's motion to dismiss (Paper 10) is GRANTED. The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED as moot.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 5<sup>th</sup> day of December, 2006.

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/s/ J. Garvan Murtha  
J. Garvan Murtha  
United States District Judge